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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd August 1974:—

BILL No. 58 OF 1974

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1974.

(*2*) It shall come into force at once.

Amendment of article 101.

2. In article 101 of the Constitution, in sub-clause (*a*) of clause (3), for the words, brackets and figures "clause (*1*) of article 102", the words, brackets and figures "clauses (*1*), (1*A*) or (1B) of article 102" shall be substituted.

Amendment of article 102.

3. In article 102 of the Constitution,—

(*i*) after sub-clause (*a*) of clause (*1*), the following sub-clause shall be inserted, namely:—

"(*aa*) if he practices any profession such as teaching in a college or a school, legal practice in any court, tribunal or other authority which permits appearance of legal practitioners before it, medical practice or is employed with any individual or insti-

tution on salary or payment of remuneration for such employment:

Provided that the provisions of this sub-clause shall not apply to the sitting members of either House of Parliament at the commencement of this Act.";

(*ii*) after clause (*1*), the following clauses shall be inserted, namely:—

"(*1A*) If a member of either House of Parliament, after his election to that House, joins a political party or group other than the one on whose ticket he was elected to that House, or if he was an Independent member at the time of election to that House and joins any political party or group, he shall be disqualified for being a member of that House from the date of his joining the latter political party or group.

(*1B*) If a member of either House of Parliament, after his nomination or election to any Committee constituted by either House of Parliament, does not attend any meeting of that Committee continuously for a period of one year, he shall be disqualified for being a member of that House after the expiry of the said period of one year.".

Amendment of article 103.

4. In article 103 of the Constitution, in clause (*1*), for the words, brackets and figures "clause (*1*) of article 102", the words, brackets and figures "clauses (*1*), (*1A*) or (*1B*) of article 102" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The work of Parliament requires whole time attention of members elected to it. Many members, after their election, continue to neglect their duties towards Parliament and the people on whose behalf they have been elected and they continue to devote greater part of their attention to their other professions like the teaching profession, legal profession or medical profession or are otherwise employed elsewhere and their normal avocations are incompatible with their Parliamentary duties. It is, therefore, suggested that persons who are otherwise pre-occupied in the professions indicated above, should not become members of Parliament and leave the field open to others who can give their full time attention to Parliamentary duties.

2. Sometimes members change their political affiliations after their election which is undesirable from many points of view. It is, therefore, proposed that persons changing their political affiliations after their election should be disqualified to be members of Parliament.

3. It is sometimes notified that many members who are elected or nominated to various Parliamentary Committees do not attend the meetings of those Committees often for years or for the entire term of the Committee. To discourage this neglect of duties towards Committees, it is proposed that a member who does not attend meetings of a Committee of which he is a member for a period of one year, he should be disqualified to be a member of Parliament.

Hence this Bill.

PRIYA RANJAN DAS MUNSI.

NEW DELHI;
The 5th April, 1974.

BILL NO. 57 OF 1974

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1974.

(*2*) It shall come into force at once.

Amendment of article 101.

2. In article 101 of the Constitution, in clause (*3*),—

(*i*) in sub-clause (*b*), the word "or" shall be inserted at the end;

(*ii*) after sub-clause (*b*), the following new sub-clause shall be inserted, namely:—

"(*c*) is recalled by a majority of electors of his constituency in such manner as Parliament may by law prescribe,".

Amendment of article 190.

3. In article 190 of the Constitution, in clause (*3*),—

i) in sub-clause (*b*), the word "or" shall be inserted at the end;

(*ii*) after sub-clause (*b*), the following new sub-clause (*c*) shall be inserted, namely:—

"(*c*) is recalled by a majority of electors of his constituency in such manner as Parliament may by law prescribe,".

STATEMENT OF OBJECTS AND REASONS

The recent amendment (Thirty-third Amendment) of the Constitution giving protection to the Members of Parliament and State Legislatures against coercive methods of resignation meets only part of the requirement of the present situation in the country. A natural corollary to that provision is to give to the people side by side an effective democratic remedy to remove a functionary who is not giving them satisfaction and has lost their confidence.

This Bill seeks to achieve that object by giving to the people the right to recall a Member. Existence of such provision would not only make it unnecessary for the people to resort to violence in case of their disillusionment with the representative they had chosen, but it would also serve as damper to the evil of defection.

Nearly 10 countries of the world have this kind of provision and there is no reason why we also cannot have it. In the present circumstances, it would go a long way to meet the hopes and aspirations of the people.

NEW DELHI;
The 23rd May, 1974.

KARNI SINGH.

BILL NO. 78 OF 1974

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1974.

Amendment of article 54.

2. In article 54 of the Constitution,—

(*i*) in sub-clause (*b*), after the words "members of", the word "all" shall be inserted;

(*ii*) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—The electoral college shall not be complete when the House of the People or any of the Legislative Assemblies of the States is dissolved for any reason whatsoever.".

Amendment of article 71.

3. In clause (4) of article 71 of the Constitution, for the words "any vacancy for whatever reason among the", the words "vacancies not exceeding five per cent. of the total" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The object of the proposed constitutional amendment is to ensure that the election to the highest office in India is held in accordance with the democratic and federal principles enshrined in the Constitution. Under the present constitutional set up the phrase "electoral college" in article 54 is capable of being interpreted to mean that electoral college is complete even if the Lok Sabha and/or all State Assemblies are dissolved. In fact, the Attorney General has contended in the Presidential Reference 1, 1974 that election to the office of the President can be validly held even when all the State Assemblies as well as the Lok Sabha are dissolved. To accept this interpretation is to undermine the democratic and federal spirit of this Constitution and to make a farce of the election to the highest office in India. Furthermore, under the present constitutional set up as contained in articles 54 and 71(4), the ruling party in the Centre is in a position to dissolve legislative assemblies which are not likely to support its Presidential candidate and thereby ensure the election of its candidate as the President of India. This fear was expressed by the Opposition when the 11th Constitutional Amendment (by which clause 4 was inserted in article 71) was debated in both the Houses in 1961 and the then Law Minister, Shri A. K. Sen, himself offered to accept opposition amendment to limit the vacancies to 5 per cent. But unfortunately such amendment was not then included.

The above amendments to articles 54 and 71 will ensure against the election of the President without participation of any State Assembly or the Lok Sabha and such amendments will be in accordance with the democratic and federal principles enshrined in the Constitution. Also inclusion of five per cent. limit in article 71(4) of the Constitution will protect the election of the President being challenged on the ground of few casual vacancies in the electoral college.

Hence this Bill.

NEW DELHI; ATAL BIHARI VAJPAYEE.

The 17th July, 1974.

BILL NO. 77 OF 1974.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1974.

Amendment of Eighth Schedule.

2. In the Eighth Schedule to the Constitution, entries 10 to 15 shall be re-numbered as entries 11 to 16 respectively, and before entry 11 as so re-numbered, the entry "10. Pahari (Himachali)" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Pahari (Himachali) is the language of the people of Himachal Pradesh and has been recorded as such in the various Census Returns. The Himachal Pradesh Assembly in its unanimous resolution dated 30th September, 1970, has recognised Pahari with its various dialects as the regional language of Himachal Pradesh. A State Academy known as "Himachal Academy of Arts, Culture and Languages" has been set up by the Government of Himachal Pradesh to promote Pahari language in Devnagri script and its literature.

Pahari has a rich literary tradition spreading over centuries. There are nearly 100 writers who have enriched the Pahari literature with their creative works like poems, plays, short stories, prose, articles and translations from other languages. The State Government has also set up a separate Department of Arts, Languages and Culture to ensure the growth of Pahari and to promote its literature.

It is, therefore, desirable that Pahari is included in the Eighth Schedule to the Constitution of India.

Hence this Bill.

NEW DELHI;
The 22nd July, 1974.

NARAIN CHAND PARASHAR.

BILL No. 80 OF 1974

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1974.

Amendment of Ninth Schedule.

2. In the Ninth Schedule to the Constitution, after entry 66 and before the *Explanation*, the following entry shall be inserted, namely:—

"67. The Orissa Land Reforms (Amendment) Act, 1974.".

STATEMENT OF OBJECTS AND REASONS

According to the guidelines issued by the Government at the Centre to the State Governments for revision of ceiling on land holdings, the Orissa Legislature had passed the Orissa Land Reforms (Amendment) Act, 1974.

2. It is proposed to amend the Ninth Schedule to the Constitution with a view to include therein the revised ceiling law which has already been passed by Orissa Legislative Assembly in broad conformity with the aforesaid guidelines so that this may have the protection under article 31B of the Constitution and any uncertainty or doubt that may arise in regard to the validity of this law is removed.

Moreover, when Government have introduced the Constitution (Thirty-Fourth Amendment) Bill, 1974 to protect the ceiling laws of the various States, it is imperative to achieve the said objective in regard to the Orissa Land Reforms (Amendment) Act, 1974 by such an amendment.

Hence this Bill.

NEW DELHI;
The 22nd July, 1974.

ARJUN SETHI,

BILL NO. 84 OF 1974

A Bill to amend the Indian Medicine Central Council Act, 1970.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Medicine Central Council (Amendment) Act, 1974.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 17.

2. In section 17 of the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act), after sub-section (*3*), the following sub-section shall be inserted, namely:— 48 of 1970.

"(*3A*) Nothing contained in any law for the time being in force shall affect adversely the rights of practitioners qualified in 'Integrated System of Medicine' in any part of India before or after the commencement of this Act.".

Amendment of Second Schedule.

3. In the Second Schedule to the principal Act, after Part II, the following Part shall be added, namely:—

"PART III—INTEGRATED SYSTEM OF MEDICINE

Any medical qualification in Integrated System of Medicine granted by any University, Board or other recognised medical institution in India before or after the commencement of this Act.".

STATEMENT OF OBJECTS AND REASONS

There are about fifty thousand practitioners in Integrated System of Medicine in India who have undergone regular institutional course of training for four to six years of statutory Universities or Boards or Faculties after school leaving or Intermediate Science Examinations. The course consists of training in Ayurvedic as well as modern systems of medicine.

At present these practitioners are grouped in the Second Schedule to the Indian Medicine Central Council Act, 1970 along with the practitioners with pure Ayurvedic qualifications and others who had no training or had sub-standard training. An assurance was given on the floor of Lok Sabha by Government on December 10, 1970 that these practitioners will be put in separate parts of the Second Schedule under the rule making power. Since it has not been done, it has become necessary to amend the Act.

Hence this Bill.

NEW DELHI;

The 23rd July, 1974.

MADHU DANDAVATE.

S. L. SHAKDHER,

Secretary-General.

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